

## **REMARKS**

With this Response, claims 1, 19, and 37 are amended. No claims are currently added or canceled. Claims 55-68 stand withdrawn. Therefore, claims 1-54 are pending.

## **VOLUNTARY DRAWING CORRECTIONS**

Please find herewith substitute drawing sheets for Figs. 3A-3E and for Figs. 4A-4C. The drawings are amended to correct inconsistencies present in the original figures. No new matter is added. In Figs. 3C and 4C, the second block was amended to read "2ND PAGING HALF" instead of "1ST PAGING HALF." In Fig. 4B, the frame sections were labeled to be consistent with the other elements of the drawing, with "DOWNLINK" changed to "UPLINK," and vice versa.

## **CLAIM REJECTIONS - 35 U.S.C. § 112**

Claims 1, 19, and 37 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. As Applicant has understood the rejection, the phrase "transmitting in a non-directional manner" was considered to render the claim indefinite as being unclear as to what kind of transmission is being claimed, the phrase "manner" was considered indefinite as being unclear as to whether the limitations following the phrase are part of the claimed invention, and the phrase "the repeated transmitting is non-identical repetition" was considered indefinite as being unclear as to whether it is referring to "the repeated first downlink message." Applicant has amended claims 1, 19, and 37 herein to clarify the claim language relating to "the repeated transmitting is non-identical repetition." Applicant traverses the other rejections as follows.

Regarding "transmitting in a non-directional manner," Applicant is unable to understand what is unclear about this phrase. The Office Action at page 2 queries whether the phrase refers

to "a signal in omni-directional, **directional**, spatial, sectoral directional, or azimuthal directional" pattern. The Office Action itself implies that the phrase "directional" is **clear** in reference to transmission from an antenna. If the phrase "directional" is clear, Applicant is unable to understand why "non-directional," which obviously means a transmission that is not directional, is unclear. Applicant points out that as per MPEP § 2173.05(i), "The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation. So long as the boundaries of the patent protection being sought are set forth definitely, albeit negatively, **the claim complies with the requirements of 35 U.S.C. 112, second paragraph.**" Applicant submits that because one skilled in the art would understand that a transmission in a "non-directional manner" means a transmission performed in a manner that is not directional, the claim is clear on its face, and complies with 35 U.S.C. 112, second paragraph. The claim thus definitely sets forth the boundaries of the patent protection being sought, and Applicant therefore respectfully requests that rejection based on this language be withdrawn.

Regarding the phrase "manner," Applicant points out that the expression has a clear meaning on its face, which is not unclear in the context of these claims. Specifically, manner is defined at [www.dictionary.com](http://www.dictionary.com) as "how something is done or how it happens," "a way of doing something or the way in which a thing is done or happens," and "a mode of action; way of performing or effecting anything." Given that the phrase "manner" has a clear definition, Applicant is unable to understand how the Office Action interprets "manner" to support a rejection of **exemplary claim language** under MPEP § 2173.05(d). The claim recites "how" transmission occurs, or "a way in which" transmission is performed, and **not an example** of something. As to exemplary language, the MPEP refers to the impropriety of "description of examples or preferences," which "may lead to confusion over the intended scope of a claim," and

specifically cites the expressions "for example" and "such as," and states that the claim should be considered for indefiniteness under 35 U.S.C. 112, second paragraph. Applicant has shown that the claim cannot be understood as reciting an example implementation, and is thus unable to understand how setting forth in the claim "how" transmission occurs, or "a way in which" transmission is performed is purported to render the claims indefinite. Applicant submits that the claim language is clear on its face, and does **not** support an interpretation as "exemplary claim language." Therefore, Applicant respectfully requests that the rejection based on this phrase be withdrawn.

Lastly, regarding the phrase "the repeated transmission is non-identical repetition," Applicant has made amendments to the claims to clarify to what this phrase is directed. Applicant submits that the claims as amended herein are clear and **definite**, and thus respectfully requests that the rejection based on this phrase be withdrawn.

### **CONCLUSION**

For at least the foregoing reasons, Applicant submits that all rejections have been overcome placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Please charge any shortages and credit any overcharges to our Deposit Account number  
02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

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